



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

FEB 04 2020

Manuel Da Silva, Interim CEO
New Jersey Schools Development Authority
32 East Front Street
PO Box 991
Trenton, NJ 08625-0991

Re: Patricia M. Noonan Elementary
School 164 Laidlaw Avenue
Block 5601, Lots 18 & 19
Jersey City, New Jersey
Approval for Cleanup and Disposal of PCB Remediation Waste under 40 CFR
§761.61(a) and for Characterization and Verification Sampling under 40 CFR §761.61(c)

Dear Mr. Da Silva:

This is in response to the December 6, 2019 document entitled "Notification of Self-Implementing Cleanup and Disposal Plan for PCBs," prepared by Louis Berger, on behalf of the New Jersey Schools Development Authority (NJSDA) for the above-referenced site. This document will be referred to as the "Application." The polychlorinated biphenyl (PCB) contamination onsite is considered to be PCB remediation waste that is subject to the applicable cleanup levels under the federal regulations at 40 CFR §761.61(a)(4).

The remedial approach for the site will be the onsite disposal of PCB remediation waste with concentrations less than 10 part per million (ppm). According to the information provided, PCBs had been previously detected at concentrations up to 7.6 ppm in soils in an approximately 650 square foot portion of the site. Characterization/verification sampling to confirm the levels has been proposed. Should any of these sample results exceed 10 ppm, further discussions will be pursued with the United States Environmental Protection Agency (EPA).

Currently, all areas of the site are capped with engineering control which meets and or exceed the TSCA requirements under 40 CFR 761.61(a)(7). In addition, the application notes that any investigation equipment will be decontaminated in accordance with the requirements of 40 CFR 761.79.

With the exception of the characterization sampling requirements under Subpart N of 40 CFR §761 and the verification sampling requirements under Subpart O of 40 CFR §761, the proposed disposal of PCB remediation waste meets the self-implementing cleanup and disposal requirements under 40 CFR §761.61(a). In addition, in accordance with 40 CFR §761.61(c), the EPA finds that this sampling, in this proposed remediation context, is acceptable for purposes of determining compliance with the High Occupancy Area PCB cleanup standard of 10 ppm with implementation of a cap and deed restriction meeting the requirements of 40 CFR §761.61(a)(7) and 40 CFR §761.61(a)(8).

EPA hereby approves the NJSDA application, and it may proceed with the proposed verification sampling under 40 CFR §761.61(a) and (c) and the Application, subject to this Approval. This Approval also constitutes an order under the authority of Section 6 of the Toxic Substances Control Act (TSCA), 15 U.S.C. §2605. This approval only specifies the applicable requirements under TSCA and does not cite to or make any determinations regarding the requirements that may be applicable under other federal, state, or local law. TSCA disposal requirements do not supersede other, more stringent, applicable federal, state or local laws.

Please note that this Approval does not constitute a determination by EPA that the transporters or the disposal facilities selected by NJSDA are authorized to conduct the activities set forth in the Application. The NJSDA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct any such activities in accordance with all applicable federal, state and local statutes and regulations.

Should you have any questions concerning this matter, please feel free to contact me at (212) 637-3315 or have your staff contact Steve Ferreira at (212) 637-3759 or at ferreira.steve@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ariel Iglesias'.

Ariel Iglesias, Director
Land, Chemicals and Redevelopment Division

cc: Thomas Waldron, Louis Berger U.S. Inc.
Kevin Schick, Chief, BEERA, NJDEP